UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,359	03/01/2002	James R. Lewis	BOC9-2001-0018(262)	4060

40987	7590	04/19/2005

AKERMAN SENTERFITT
P. O. BOX 3188
WEST PALM BEACH, FL 33402-3188

EXAMINER
SHORTLEDGE, THOMAS E

ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.		Applicant(s)	
	10/086,359		LEWIS ET AL.	
	Examiner		Art Unit	
	Thomas E Shortledge		2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.'
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-17_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-17_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _11/27/05_.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-17 rejected under 35 U.S.C. 102(e) as being anticipated by

Korall et al. (6,684,183).

As to claims 1 and 10, Korall et al. teach:

identifying, within a data store, at least one heading selection (term)

associated with a content item, (the user identifies terms in the example phrases

and selects their type, so later when a query is parsed the identified terms will be

recognized, col. 4, lines 30-33);

extracting at least a first word from each said identified heading selection,

(terms such as <starting date>, <room type> and <number of quests> are

extracting from the examples, col. 5, lines 10-15); and

automatically generating a heading grammar by including each said

extracted word of said identified heading selections within said heading grammar,

(creating rules from the examples, and using these rules are stored within a rule

base, which would typically be a BNF grammar rule set, col. 4, lines 34-37).

As to claims 2 and 11, Korall et al. teach determining one or more

selections within said data store to be heading selections, (selecting terms and

their types from the input examples supplied to the system, col. 4, lines 30-32).

As to claims 3 and 12, Korall et al. teach the automatic step dynamically

generates said heading grammar responsive to a user request for at least one

content item, (examples supplied by the user are used to supply the rules to the

system, col. 4, lines 30-35).

As to claims 4 and 13, Korall et al. teach automatic generating step

dynamically generates heading grammar responsive to a presentation of

individual ones of said identified heading selections, (the rules for the grammar

are generated by examples supplied by the user to the system, col. 4, lines 30-

35).

As to claims 6 and 15, Korall et al. teach:

presenting said identified heading selections through a speech interface, (the user uses a telephone system to communicate with the system, col. 7, line 13); and

decoding user speech selecting one of said heading selections according to said heading grammar, (the query terms are matched to those terms found in the grammar rules, col. 6, lines 5-10).

As to claims 7 and 16, Korall et al. suggests speech comprises a first word of one of said heading selections, (the input query is divided and matched to the rules within the grammar, (col 6, lines 4-10). It would be necessary that since the input can be anything pertaining to the subject matter of the system, the divided segments found to match a rule within the grammar could contain only one word, that word being the first word of both the segment and rule).

As to claim 9, Korall et al. teaches a computer-based speech recognition system for recognizing, at least in part heading selections, said speech recognition system having a heading grammar comprising at least a first word from each of said heading selections, wherein each of said heading selections references a particular content item, (a computer system controlling a speech recognizer for recognizing the incoming speech, and matching each speech unit to a rule within the grammar, where the rules where constructed from examples inputted by the user, and each rule links the input with content, col. 3, lines 39-42, col. 4, lines 29-34, and col. 6, lines 4-10).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

4.   Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Korall et al.

        As to claims 5 and 14, Korall et al. suggests extracting step extracts a first

word and a second word from each said identified heading selection, (the

examples supplied by the users are used to create the rules of the grammar,

where an example of the rule would be, <starting date>, (col. 4, lines 30-32, and

col. 5, lines 1-5). It would be necessary that since rules can be made up of two

words of the input, these two words could be taken from the first two words of the

input).

        As to claims 8 and 17, Korall et al. suggests speech comprises a first word

and a second word of one of said heading selections, (the input query is divided

and matched to the rules within the grammar, (col 6, lines 4-10). It would be

necessary that since the input can be anything pertaining to the subject matter of

the system, the divided segments found to match a rule within the grammar could

contain only two words, those words being the first and second words of both the

segment and rule).

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Lin et al. (6,675,159), Parks (6,038,573), Brown et al.

(6,587,822), and Uppaluru (5,915,001).

Lin et al. teach indexing and searching a database using concepts.

Parks teaches listing and extracting news stories using a news story

markup language, where the stories are accessed through concepts.

Brown et al. teach generating a grammar for an interactive voice response

application for use over the internet.

Uppaluru teaches voice access to documents containing information

formatted using MIME and HTML.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas E Shortledge whose telephone number is (571)272-7612. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on (571)272-7628. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TS
04/12/05

RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER